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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,145	11/27/2001	Kelly Michael Kohlstrand	201-0251 RLC	5983
28395	7590	06/23/2005	EXAMINER	
BROOKS KUSHMAN P.C./FGTL			DANG, HUNG Q	
1000 TOWN CENTER			ART UNIT	
22ND FLOOR			PAPER NUMBER	
SOUTHFIELD, MI 48075-1238			2635	

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/683,145	KOHLSTRAND, KELLY MICHAEL	
	Examiner	Art Unit	
	Hung Q. Dang	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-18 is/are allowed.
- 6) ☒ Claim(s) 1-9 and 19 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to application's amendment received on 2/3/2005. The amended claims 1-9 and the added claims 19 and 20 have been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Koski et al, U.S. Patent 5,457,395.

Regarding claim 1, Koski et al. teaches an assembly for identifying the existence of a gap, the assembly comprising a first portion having a transmitter (Figure 2, unit 18) for wirelessly transmitting a first signal (column 4 lines 43-50); a second portion (Figure 2, unit 20) spaced apart from the first portion, the second portion being adapted to receive the first signal (column 4, lines 43-50) and generate a second signal indicative of the existence of the gap based on the first signal (column 4, lines 43-50).

Regarding claim 19, the assembly disclosed by Koski et al. also includes a first portion being disposed on a first vehicle portion (Figure 2, unit 18) and the second portion being disposed on a second vehicle portion (Figure 2, unit 20).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koski et al. U.S. Patent 5,457,395 and in view of Carter U.S. Patent 6,529,164.

Regarding claims 3 and 4, Koski et al. teaches an assembly for identifying the existence of a gap as claimed in claim 3, however, Koski et al. does not teach a signal strength measurement portion that determines a strength of the first signal.

One skilled in the art would recognize that signal strength measurement has been commonly provided in wireless telemetry systems to achieve effective data transmission, as evidenced by Carter.

Carter teaches a wireless telemetry system, which includes a signal strength measurement to achieve optimal data transmission (column 5 lines 11-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a signal strength measurement portion to the

assembly disclosed by Vis in view of Shimizu et al., as evidenced by Carter, in order to achieve optimal data transmission.

7. Claims 2, 5, 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koski et al. U.S. Patent 5,457,395.

Regarding claims 5, Koski et al. teaches a display for receiving the second signal. Even though, Koski et al. does not specifically teach a transceiver, however, one skilled in the art would recognize that using a transceiver for wirely/wirelessly transmitting/receiving signal has been commonly known and done in data communication field. Therefore, it would have been obvious to one of ordinary skill in the art to provide a transceiver for transmitting and receiving data.

Claims 2 and 9 are rejected for the same reasons as claim 5.

Regarding claim 6, the first portion and the second portion disclosed by Koski et al. are also disposed in a first (Figure 2, unit 18) and second housings (Figure 2, unit 20).

8. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koski et al. U.S. Patent 5,457,395 and in further view of Shah U.S. Patent 5,148,158.

Regarding claims 7 and 8, Koski et al. does not teach radio frequency transmission. However, one skilled in the art would recognize that radio frequency

infrared transmission have been commonly utilized in data communication field, as evidenced by Shah (abstract and column 7 lines 14-25).

Therefore, by conventionality, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide RF/infrared transmitter or transceivers to the assembly disclosed by Koski et al., as evidenced by Shah, in order to transmit data in RF or infrared.

Allowable Subject Matter

9. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 20, the prior arts of record fail to teach or disclose an assembly for identifying the existence of a gap as claimed in claim 19, wherein the gap is disposed between the first and the second vehicle portions.

10. Claims 10-18 are allowed.

Regarding claim 10, the prior arts of record fail to teach or disclose a vehicular gap sensing assembly comprising a housing, which is adapted to be placed upon a first portion of a vehicle and including a force measurement assembly having an exposed surface and a member which is pivotally coupled to said housing and which is movable from a first position to a second position in which said member contacts said exposed surface, said force measurement assembly wirelessly transmitting a signal when said

member contacts said surface; and a receiver which is in communication with said force measurement assembly and which receives said signal and creates a display based upon said received signal.

Regarding claim 13, the prior arts of record fail to teach or disclose a method of ascertaining the existence of a gap between two portions of a vehicle as claimed in claim 13, said method comprises the steps of providing a gap measurement assembly; placing the gap measurement assembly on a first of the two portions; causing a second of the two portions to come into close proximity to the first of the two portions; creating a signal as said second of said two portions comes into close proximity with said first of said two portions; using said signal to ascertain the existence of a gap and the size of a gap; providing a data acquisition assembly; creating a second signal which is indicative of the existence and the size of a gap; and wirelessly transmitting the second signal to the data acquisition assembly.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is (571) 272-3069. The examiner can normally be reached on 9:30AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HD

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

